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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,784	12/21/2000	Stefan Feuchtinger	Q62359	6391

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/740,784

Applicant(s)

FEUCHTINGER ET AL.

Examiner

JOHN J. LEE

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-13 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments with respect to claims 1 – 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-7 and 10-13** are rejected under 35 U.S.C. 102(e) as being anticipated by Ditzik (US 5,983,073).

Regarding **claim 1**, Ditzik discloses that a radiotelephone terminal unit (51 in Fig. 7) for a subscriber (column 2, lines 28 – column 3, lines 22 and Fig. 7). Ditzik teaches that a portable terminal (14 in Fig. 7) which is configured to be carried around by a user allowing said user to communicate by radio with a communication network (Fig. 7) via a relay transceiver station (33 in Fig. 7) (Fig. 7 and column 5, lines 33 – column 6, lines 46, where teaches a wireless handset unit communicates to notebook unit by wireless communication to communication network). Ditzik teaches that a radiotelephone terminal (51 in Fig. 7) which is complementary to said portable radiotelephone terminal (14 in Fig. 7), configured to remain in place (within range area in Fig. 1), said radiotelephone terminal (51 in Fig. 7) further configured to be used conjointly with said portable

terminal (14 in Fig. 1) when connected to said relay transceiver station (33 in Fig. 1) by a call set up via said station (Fig. 7 and column 5, lines 22 – column 6, lines 46, where teaches the wireless handset unit configured to communicate with portable notebook unit within range and communicates through the relay communication network to the communication network, and communicates directly through the relay communication network to the communication network conjointly for establishing calling). Ditzik also teaches that wherein complementary function of said radiotelephone terminal (32 in Fig. 7) and said portable terminal (14 in Fig. 1) can be employed by the same user (same having simultaneous access to both terminals (Fig. 7, 8 and column 13, lines 1 – 55, where teaches the complementary function of the wireless handset unit and the portable notebook unit operate as far as a user is concerned to access simultaneously to both terminals).

Regarding **claim 2**, Ditzik teaches that the portable terminal (14 in Fig. 7) and a radiotelephone terminal (51 in Fig. 7) are equipped with man-machine interface means and software means, which are at least partly complementary (Fig. 7, 8 and column 13, lines 1 – 55, where teaches, where teaches the portable notebook unit and the wireless handset unit may interface machine operator or a computer application programs may executes by the computer system).

Regarding **claim 3**, Ditzik teaches all the limitation, as discussed in claims 1 and 2. Furthermore, Ditzik further teaches that enabling them to communicate by radio with the relay transceiver station (33 in Fig. 7) of communication network via a respective different radiotelephone link during a call involving said portable terminal (Fig. 7, 8,

column 11, lines 37 – 45, and column 13, lines 1 – 55, where teaches communicating through the relay communication network to different communication network such that AMPS, PCS, CDPD, and RF link or CDMA OR TDMA, during a calling).

Regarding **claim 4**, Ditzik teaches all the limitation, as discussed in claim 1. Furthermore, Ditzik further teaches that enables the portable terminal (14 in Fig. 7) to communicate by radio with the relay transceiver station (33 in Fig. 7) of the communication network via a first link (communicating through the relay communication network to communication network during a calling), and with a radiotelephone terminal (51 in Fig. 7) via a second link when the portable terminal is within radio range of both the relay transceiver station and the portable terminal (Fig. 7 and column 5, lines 33 – column 6, lines 46, where teaches communicating through wireless notebook unit to the relay communication network to communication network during a calling).

Regarding **claim 5**, Ditzik teaches all the limitation, as discussed in claims 1 and 3. Furthermore, Ditzik further teaches that portable terminal (14 in Fig. 7) enables the relay transceiver station (33 in Fig. 7) and the radiotelephone terminal (51 in Fig. 7), to communicate with each other via the radiotelephone links (AMPS, PCS, CDPD, and RF link or CDMA OR TDMA protocol) which selectively (using signal strength or interference, communicating different signal or other reason) connect the portable terminal and radiotelephone terminal to the relay transceiver station (Fig. 7, 8 and column 13, lines 1 – 55, where teaches selectively connects the radiotelephone links with the wireless notebook unit and the relay communication network).

Regarding **claim 6**, Ditzik teaches all the limitation, as discussed in claims 1 and 3. Furthermore, Ditzik further teaches that the radiotelephone terminal complementary to the portable terminal is connected by a cable link to the communication network to which the portable terminal has radio access via the relay transceiver station (Fig. 7 and column 5, lines 33 – column 6, lines 46, where teaches wireless notebook unit and the relay communication network are both connected by a cable link to the communication network).

Regarding **claim 7**, Ditzik teaches all the limitation, as discussed in claims 1 and 3.

Regarding **claim 10**, Ditzik teaches all the limitation, as discussed in claims 1 and 4.

Regarding **claim 11**, Ditzik teaches all the limitation, as discussed in claims 1 and 6.

Regarding **claim 12**, Ditzik teaches all the limitation, as discussed in claims 1 and 2.

Regarding **claim 13**, Ditzik teaches all the limitation, as discussed in claims 1 and 3. Furthermore, Ditzik further teaches that programming so that both the portable terminal and the radiotelephone terminal are active simultaneously in the same call so that signals transmitted to the relay transceiver station can come from either the portable terminal or the radiotelephone terminal when a call is set up (Fig. 7, 8 and column 13, lines 1 – 55, where teaches executing by programming software to access simultaneously to the network by computer system).

Allowable Subject Matter

4. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose “transmitter means enabling it to transmit a broadcast control channel carrier with a particular power that can be modified to another radiotelephone terminal including means enabling it to detect said carrier when it is within radio range of a terminal which includes said transmitter means, so as to enable said two terminals to communicate simultaneously and conjointly with the relay transceiver station of a communication network as the terminal having all functions specific to each of said two terminals” as specified in the claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johansson et al. (US 5,983,100) discloses Circuit Assembly for Effectuating Communication Between a First and a Second Locally-Positioned Communication device.

Nilssen (US 6,167,278) discloses Communication Cordless-Cellular Telephone System.

Art Unit: 2618

Information regarding...Patent Application Information Retrieval (PAIR) system...
at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

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or faxed (571) 273-8300, (for formal communications intended for entry)

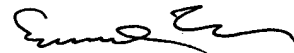
Or: (703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters,
Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**.
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor,
Edward Urban, can be reached on **(571) 272-7899**. Any inquiry of a general nature or
relating to the status of this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

J.L
January 20, 2007

John J Lee


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600